

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	PACA Docket No. D-99-0010
)	
Alejandro Ramirez)	
d/b/a Alex Produce)	
)	Decision Without Hearing
Respondent)	by Reason of Default

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. §499a *et seq.*) hereinafter referred to as the Act, instituted by a complaint filed on June 1, 1999, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture. It is alleged in the complaint that during the period March 1996 through November 1997, Alejandro M. Ramirez, d/b/a Alex Produce, (hereinafter Respondent) failed to make full payment promptly to 41 sellers of the agreed purchase prices in the total amount of \$458,916.21 for 954 transactions of perishable agricultural commodities he had purchased, received or accepted in interstate commerce or in contemplation of interstate commerce.

A copy of the complaint was served upon Respondent, which complaint has not been answered. The time for filing an answer having run, and upon motion of the complainant for the issuance of a default order, the following Decision and Order is issued without further investigation or hearing pursuant to section 1.139 of the Rules of Practice (7 C.F.R. §1.139).

Findings of Fact

1. Respondent is an individual with a business mailing address of 210 W. McKinley Street, Calexico, California, 92231.
2. At all times material herein, Respondent was either licensed or operating subject to license under the provisions of the Act. License number 870007 was issued to Respondent on October 3, 1986. This license terminated on October 3, 1997, pursuant to section 4(a) of the Act (7 U.S.C. §499d(a)), when Respondent failed to pay the required annual renewal fee.
3. As more fully set forth in paragraph III of the complaint, during March 1996 through November 1997, Respondent failed to make full payment promptly to 41 sellers of the agreed purchase prices in the total amount of \$458,916.21 for 954 transactions of perishable agricultural commodities he had purchased, received or accepted in interstate commerce or in contemplation of interstate commerce.

Conclusions

Respondent's failure to make full payment promptly with respect to the transactions set forth in Finding of Fact Number 3 above constitutes willful, repeated, and flagrant violations of section 2(4) of the Act (7 U.S.C. §499b(4)), for which the Order below is issued.

Order

A finding is made that Respondent has committed willful, repeated, and flagrant violations of section 2(4) of the Act (7 U.S.C. §499b(4)). This finding is hereby ordered published.

This order shall take effect on the eleventh day after this Decision becomes final.

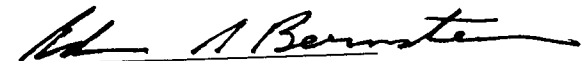
Pursuant to the Rules of Practice governing procedures under the Act, this Decision will become final without further proceedings thirty-five days after service hereof unless appealed to

the Secretary by a party to the proceedings within thirty days after service as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. § § 1.139 and 1.145).

Copies shall be served on the parties.

Done at Washington, D.C.

September 28, 1999


Administrative Law Judge

9/28/99
LAW